

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

NEW YORK LIFE INSURANCE COMPANY,	:	
	:	
Plaintiff	:	
	:	
V.	:	C.A. NO. 14-74S
	:	
MASSIEL ORTIZ and JULIA KLAH	:	
	:	
Defendants	:	

**DEFENDANT MASSIEL ORTIZ'S STATEMENT OF DISPUTED FACTS**

Pursuant to LR 56(a)(4), Massiel Ortiz submits the within Statement of Disputed Facts in response to New York Life Insurance Company's Statement of Undisputed Fact No. 9:

9. The investigation that New York Life conducted into the representations on Mr. Kaydea's application and into his death was anything but "routine". According to its claim file, New York Life conducted an intensive investigation regarding Mr. Kaydea, including a criminal history check, medical history, pharmaceutical history, an inquiry with the Attorney General's office, multiple inquiries with the Cranston Police Department, investigation of his student status, academic and attendance records, interview of Mr. Kaydea's mother, interview with Ms. Ortiz, an investigation into who paid Mr. Kaydea's premiums and the manner in which those premiums were paid, and an investigation into a potential criminal/medical hoax. *Affidavit of Christine Navin* at 115-123.

A 9/11/13 entry in New York Life's case file indicates that the priority of the investigation was changed from standard to elevated. *Navin Aff.* at 119. The "investigation" New York Life describes as "routine" was ongoing and active for almost one (1) year, and failed

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to uncover any reason to deny Ms. Ortiz her benefits other than the fact that the Cranston Police refused to “rule her out” as a potential suspect.

Respectfully Submitted,

MASSIEL ORTIZ  
By her Attorneys,

**/s/ Stephen A. Rodio  
/s/ Michelle L. Felix**

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Dated: June 5, 2014

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that a copy of the within was forwarded by regular mail, postage pre-paid, on the 5<sup>th</sup> day of June, 2014 to the offices of:

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/s/ Michelle L. Felix (#5787)